



Planning Commission Agenda

Meeting of December 15, 2014
Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

Welcome to the Planning Commission meeting. The National City Planning Commission conducts its meeting in the interest of community benefit. Your participation is helpful. These proceedings are video recorded.

Roll Call

Pledge of Allegiance by Commissioner Bush

Approval of Minutes

1. Approval of Minutes of the Meeting held on December 1, 2014.

Approval of Agenda

2. Approval of Agenda for the Meeting on December 15, 2014.

ORAL COMMUNICATIONS (3 MINUTE TIME LIMIT).

NOTE: Under State law, items requiring Commission action must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature.



The Planning Commission requests that all Cell Phones and Pagers be turned off during the meeting.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the Planning Department at (619) 336-4310 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

PRESENTATIONS

CONTINUE PUBLIC HEARING

3. Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage (Case File No. 2014-17 LS).
4. Resolution 28-2014 taking action on a Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage (Case File No. 2014-17 LS).

PUBLIC HEARINGS

OTHER BUSINESS

5. Time extension for Planned Development Permit modification, Conditional Use Permit, and Coastal Development Permit for a professional college in a retail commercial building located at 700 Bay Marina Drive in the Coastal Zone. Case File No.: 2013-07 PD, CUP, CDP.
6. Election of Officers for 2015

STAFF REPORTS

Deputy City Attorney

Executive Director

Principal Planners

Commissioners

Chairperson

ADJOURNMENT

Adjournment to next regularly scheduled meeting on January 12, 2015



Planning Commission Minutes

Meeting of December 1, 2014

Planning Commission Meeting
City Council Chambers, Civic Center
1243 National City Boulevard
National City, CA 91950

These minutes have been abbreviated. Video recordings of the full proceedings are on file and available to the public.

Agenda Items

The meeting was called to order by Vice Chair Bush at 6:01 p.m.

Roll Call

Commissioners Present: Garcia, Baca, Bush, Alvarado, Flores, Dela Paz
Commissioners Absent: Pruitt,

Staff Also Present: Jennifer Knight, Deputy City Attorney; Brad Raulston, Executive Director; Martin Reeder, Principal Planner; Raymond Pe, Principal Planner; Frank Parra, Director of Emergency Services, Manuel Rodriguez, Police Chief

Pledge of Allegiance Presented by Commissioner Garcia

Note: Commissioner Garcia entered took his seat on dais at 6:01 pm

Approval of Minutes

1. Approval of Minutes for the Regular Meeting held on November 17, 2014.

Motion by Baca, 2nd by Alvarado for approval of the Minutes for the Regular Meeting held on November 17, 2014.

Motion carried by the following vote:

Ayes: Garcia, Bush, Flores, Dela Paz, Alvarado, Baca

Absent: Pruitt

Approval of Agenda

2. Approval of Agenda for the Meeting of December 1, 2014.

Motion by Alvarado, 2nd by Baca for approval of the Agenda for the meeting of December 1, 2014.

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores, Dela Paz

Absent: Pruitt

ORAL COMMUNICATION

None

PRESENTATIONS

None

CONTINUED PUBLIC HEARINGS

3. Conditional Use Permit for beer and wine sales, a banquet facility, and live entertainment at Big Ben Market located at 108 East 8th Street (Case File No. 2014-08 CUP)

Presented by Principal Planner, Martin Reeder

Applicant: Nick Salem

Continued discussion and questions by Commissioners. Manuel Rodriguez, Chief of Police and Frank Parra, Director of Emergency Services stated that all concerns were addressed in staff's report and they are satisfied with the conditions as stated. Three handouts received were reviewed and discussed.

Two speakers in opposition: William Robert Stamm, Jack Armstrong

Motion by Garcia, 2nd by Alvarado to close the Public Hearing.

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores

No: Dela Paz

Absent: Pruitt

4. Resolution 25-2014 taking action on a Conditional Use Permit for beer and wine sales, a banquet facility, and live entertainment at Big Ben Market located at 108 East 8th Street (Case File No. 2014-08 CUP)

Motion by Garcia, 2nd by Alvarado to approve Resolution 25-2014 taking action on a Conditional Use Permit for beer and wine sales, a banquet facility, and live

entertainment at Big Ben Market located at 108 East 8th Street (Case File No. 2014-08 CUP)

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Pruitt, Alvarado, Flores

Noes: Dela Paz

Absent: Pruitt

PUBLIC HEARINGS

5. Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage (Case File No. 2014-17 LS)

Presented by Principal Planner, Martin Reeder

Applicant: Alex Samadian

Commissioners asked questions regarding fire access, number of splits for the lot and future development.

Motion by Baca, 2nd by Flores to continue the Public Hearing to December 15, 2014 meeting date.

Alternative Motion by Garcia, 2nd by Alvarado to close the Public Hearing.

Motion not carried by the following vote:

Ayes: Garcia, Bush, Alvarado

Noes: Dela Paz, Flores, Baca

Absent: Pruitt

Return to initial motion on the floor

Motion by Baca, 2nd by Flores to continue the Public Hearing to December 15, 2014 meeting date.

Motion carried by the following vote to continue the Public Hearing:

Ayes: Garcia, Dela Paz, Flores, Baca

Noes: Bush, Alvarado

Absent: Pruitt

6. Resolution 26-2014 taking action on a Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with the exception for reduced lot frontage (Case File No. 2014-17 LS)

Motioned by Dela Paz, 2nd by Baca for Resolution 26-2014 to trail Item #6 to the December 15, 2014 meeting.

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Alvarado, Flores, Dela Paz

Absent: Pruitt

7. Tentative Parcel Map for subdividing one lot into two, Zone Variance for a reduced front yard setback, and exception for reduced lot width at 240 Norton Avenue (Case File No. 2014-18 LS, Z)

Presented by Principal Planner, Martin Reeder

Applicant Abraham Edid acknowledged agreement with the conditions as listed in the conditions of approval.

Motioned by Garcia, 2nd by Alvarado to close the Public Hearing.

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Alvarado, Flores, Dela Paz

Absent: Pruitt

8. Resolution 27-2014 taking action on a Tentative Parcel Map for subdividing one lot into two, Zone Variance for a reduced front yard setback, and exception for reduced lot width at 240 Norton Avenue (Case File No. 2014-18 LS, Z).

Motioned by Dela Paz, 2nd by Flores to approve Resolution 27-2014 taking action on a Tentative Parcel Map for subdividing one lot into two, Zone Variance for a reduced front yard setback, and exception for reduced lot width at 240 Norton Avenue (Case File No. 2014-18 LS, Z).

Motion carried by the following vote:

Ayes: Garcia, Baca, Bush, Alvarado, Flores, Dela Paz

Absent: Pruitt

OTHER BUSINESS

None

STAFF REPORTS

Deputy City Attorney – No report

Executive Director – No report

Principal Planner – No report

Commissioners:

Dela Paz – No report

Garcia – No report.

Bush – No report. Thank you for opportunity to serve as chair. Thank you to Principal Planner for forwarding the Planning article.

Alvarado: No report.

Flores – No Report. Asked if officers will be selected at the December 15th meeting. That item will be included on the agenda.

Baca – No report. Question about what is going on at property at the corner of 18th and Granger? Brad Raulston explained there is a new owner of the property and he will research and report back to the commission.

ADJOURNMENT

Adjournment at 7:56 p.m. to next Meeting scheduled for December 15, 2014 at 6:00 pm.

CHAIRPERSON



Item no. **3**
December 15, 2014

CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: CONTINUED PUBLIC HEARING - TENTATIVE PARCEL
MAP FOR THE SUBDIVISION OF ONE LOT INTO THREE
AT 1745 EAST 10TH STREET WITH AN EXCEPTION FOR
REDUCED LOT FRONTAGE.

Case File No.: 2014-17 LS

Location: 1745 East 10th Street

Staff report by: Martin Reeder, AICP – Principal Planner

Applicant: Alex Ahmadian

Environmental review: Categorical Exemption – Section 15315 (Minor Land
Divisions)

Staff recommendation: Approve

BACKGROUND

Previous Action

Planning Commission held a public hearing on this item at the regularly-scheduled meeting of December 1, 2014. At the meeting, Commissioners asked questions about Fire Department access requirements and about the design of the lot. The Commission continued the item so that the proposal could be redesigned to provide more regular lot shapes and line configurations, and to have Fire and Engineering Department staff attend the subsequent meeting.

New Information

The previous design was three parcels, all with street frontage on East 10th Street. The application included an exception for reduced street frontage for Parcel 3 (the location of the existing house) because the lot had only 12 feet of frontage where 50 feet is required. The 12 feet was half of a proposed 24-foot wide driveway leading to proposed Parcels 2 and 3. The new driveway would be in addition to the existing driveway, which was previously designated for the use of Parcel 1.

The applicant has since redesigned the layout of the properties so that they all utilize the existing driveway. This would remove the need to build a new driveway, which would have required significant grading and retaining walls, thus increasing the usable area of the proposed lots. Access to Parcels 2 and 3 would be via an easement across Parcel 1. Parcel 3 would also have an easement over Parcel 2. The proposed configuration results in the following:

Parcel 1 will have 60 feet of frontage on East 10th Street. It will be 80 feet deep and would have a net size of 5,040 square feet. The shape is now regular (rectangular) and meets all requirements for lot design.

Parcel 2 would have approximately 65 feet of frontage on East 10th Street and would have a net size of 5,380 square feet. Plans continue to show a future vacation of a portion of 10th Street, which would increase the net size of Parcel 2 to 5,760 square feet. However, the vacation is not required to meet the minimum lot size and is not part of this application.

Parcel 3 will have no street frontage and would include the existing residence. It will be an average of 70 feet deep and would have a net size of 8,557 square feet. Parcel 3 would still be somewhat irregular in shape, although the existing lot is irregular now – the rear property line is at an angle to the street. The shape is intended to keep enough land around the existing house in order to provide minimum setbacks. No changes are proposed to the existing home.

Analysis

The reconfigured design is more consistent with the Subdivision Ordinance, which requires that proposed lot lines are at 90 degrees to the street where practicable, which is now the case. Access to the property will now utilize the existing driveway, which will make more efficient use of the existing property. The elimination of the need for significant grading and new retaining walls will allow for additional usable area over the previous design. As a result, the layout would be less crowded. The existing driveway is also not as steep as a new one would be, which is more consistent with City codes.

The average lot size would be 6,450 square feet, which is consistent with the area average of 5,000 square feet. The project continues to be consistent with the General Plan, as it provides additional homeownership opportunities and meets minimum density regulations.

The last point of discussion from the previous meeting was regarding Fire Department access. A fire access road is required if the farthest corner of a building is greater than 150 feet from the street. In this case, both new homes are compliant with this requirement. Although the existing house is not required to provide a fire access road due to its existing status, the Fire Marshall has stated that the existing home currently meets minimum fire access requirements and would continue to do so after construction of the proposed new homes. Consistency with this requirement will also be ensured at the time building permits are reviewed for the new residences.

CEQA

The project qualifies for a categorical exemption under the California Environmental Quality Act (CEQA) - Class 15—Minor land divisions (CEQA Guidelines, Section 15315). Class 15 consists of the division of property into four or fewer parcels when the division is in conformance with the general plan and zoning, no other variances or exceptions requiring environmental review are required, and all required services and access to the proposed parcels to local standards are available. The project is in compliance with this section.

Summary

The subject property is a large lot, which is almost four times the minimum lot size. As such, it is suitable for subdividing. However, the placement of the existing home and a large retaining wall at the street limits opportunities for subdivision. However, in using the existing driveway and making the lot shapes more regular, the amended project will be more consistent with code requirements. In addition, the project as proposed is no longer reliant on a future street vacation or irregular lot shape to provide minimum lot sizes; each proposed lot will meet the code with regard to minimum lot size. If approved, the proposed subdivision will result in additional home ownership opportunities and will meet all Land Use Code requirements, consistent with the General Plan. Conditions of Approval will ensure that the property is appropriately developed and will meet all requirements of the Land Use Code and pertinent construction codes.

OPTIONS:

1. Approve 2014-17 LS subject to the conditions listed below, based on attached findings/ findings to be determined by the Planning Commission; or
2. Deny 2014-17 LS based on findings to be determined by the Planning Commission; or
3. Continue the public hearing to a specific date so that the project can be redesigned; or

ATTACHMENTS

1. Recommended Findings for Approval
2. Recommended Conditions
3. Revised Plans (Exhibit B, case file no. 2014-17 LS, dated 12/8/2014)
4. December 1, 2014 staff report with attachments



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR APPROVAL
OF THE TENTATIVE PARCEL MAP
Case File No. 2014-17 LS – 1745 East 10th Street

1. The proposed map is consistent with the National City General Plan and applicable specific plans, since the proposed single-family subdivision, at a density of 7.9 units per acre, is consistent with the Low-Medium Density Residential land use designation, which specifies a maximum density of 9.0 units per acre the uses, and since there are no specific plans applicable to the site.
1. The site is physically suitable for the proposed type of development, since two an additional single-family homes can be located on a level building pad on the site with a minor amount of grading.
2. The site is physically suitable for the proposed density of development, since all three resultant lots can accommodate a single family residence with suitable yard areas.
3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, since no natural habitat nor bodies of water are present on-site, and since the site is surrounded by urban development.
4. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems, since all necessary public services will be provided.
5. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, since no such easements are located on the site.
6. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6.
7. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources.
8. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage.

**FINDINGS FOR APPROVAL OF THE EXCEPTION
FOR LESS THAN REQUIRED STREET FRONTAGE
Case File No. 2014-17 LS – 1745 East 10th Street**

1. The property to be divided is of such size and shape that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements, since most of the deep (70-plus feet) property is isolated from public streets and existing development limits the areas in which lot lines can be placed.
2. The exception will not be detrimental to the public health, safety, or welfare, or be detrimental to the use of other properties in the vicinity, since adequate access to the street (a minimum of 20 feet in width) will be provided for all three lots, and since the General Plan encourages the creation of home ownership opportunities, which the requested exception facilitates.
3. Granting of the exception is in accordance with the intent and purposes of this title, and is consistent with the General Plan and with all applicable specific plans or other plans of the City, since the proposal will create two additional homeownership opportunities, and since there are no applicable specific plans.

RECOMMENDED CONDITIONS OF APPROVAL
Case File No. 2014-17 LS – 1745 East 10th Street

General

1. This *Tentative Parcel Map* authorizes the creation of three new parcels from one existing parcel. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform with Exhibit B, case file no. 2014-17 LS, dated 12/8/2014.
2. Before this *Tentative Parcel Map* shall become effective, the applicant and/or property owner shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Tentative Parcel Map*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Tentative Parcel Map* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. Approval of the tentative map expires two (2) years after adoption of the resolution of approval at 6:00 p.m. unless prior to that date a request for a time extension not exceeding three (3) years has been filed as provided by National City Municipal Code §17.04.070.

Building

4. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical.

Engineering

5. A Final Map shall be filed and recorded in accordance with City requirements. The map shall show all existing and proposed easements.

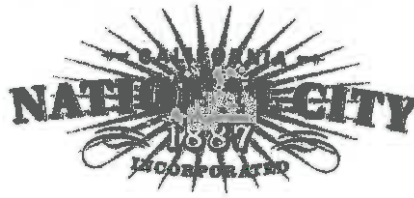
Fire

6. Plans submitted for improvements must comply with the 2013 editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations.

Planning

7. All future construction must meet setback requirements as stated in the Land Use Code.
8. If the approximate 380 square-foot portion of East 10th Street located behind the retaining wall at the front of the subject property is vacated, an easement for access and maintenance of the existing power pole and street light shall be granted.

9. If existing structures are located on or over proposed lot lines, or if existing structures would no longer meet required setbacks based on proposed lot lines, the Final Map shall not be approved until said structures are demolished or reduced to remedy these situations. No accessory structures shall be permitted on lots without a primary use.



Item no. **5**
December 1, 2014

CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: PUBLIC HEARING - TENTATIVE PARCEL MAP FOR THE
SUBDIVISION OF ONE LOT INTO THREE AT 1745 EAST
10TH STREET WITH AN EXCEPTION FOR REDUCED LOT
FRONTAGE.

Case File No.: 2014-17 LS

Location: East side of Harbison Avenue, south of Plaza Boulevard.

Assessor's Parcel Nos.: 557-190-34

Staff report by: Martin Reeder, AICP

Applicant: Alex Ahmadian

Plans prepared by: Victor Rodriguez-Fernandez

Zoning designation: Small Lot Residential (RS-2)

Parcel size: 0.44 acres

Adjacent land use/zoning:

North: Apartments / RM-3 (Very High-Density Multi-Unit Residential)

East: Single-family home / RS-2

South: Single-family homes across East 10th Street / RS-2

West: Single-family homes / RS-2

Environmental review: Categorical Exemption – Section 15315 (Minor Land
Divisions)

BACKGROUND

Site characteristics

The approximately 19,357 square-foot property is located on the north side of East 10th Street in the RS-2 Zone. The lot is located near to the intersection of R Avenue and is 125 feet wide and an average of 157 feet deep. The site is mostly flat, although the property is retained in the front and the land slopes downward sharply (ten or more feet) beyond the northerly property line.

Although the southern (front) property boundary is a straight line, the site is developed with a retaining wall separating the street from the property, which is between three and seven feet in height. This retaining wall follows the curvature of the curb towards the east of the lot in this location. As a result, the property practically includes an extra approximately 380 square feet, which is located behind the retaining wall. There is a power pole and street light in this area.

There is an existing 1,967 square-foot single family residence on the north side of the property and a two-car garage at the front of the property. The site is bordered on the east, west, and south by single family residences also in the RS-2 zone. There are apartments to the northwest beyond a large vacant lot that is located to the north of the subject property.

Proposed use

The applicant is proposing to subdivide the existing 19,357 square-foot lot into three lots. The existing two-car garage would be demolished in order to make way for future construction (at permit submittal). Parking for Parcels 2 and 3 will be accessed via a 24-foot wide driveway from 10th Street. Parcel 1 would have individual driveway access, also from 10th Street, utilizing an existing driveway. An access and utility easement is shown on the tentative map for Parcels 2 and 3 over the 24-foot wide driveway.

The application includes an exception for less-than-required street frontage for Parcel 3, which would only have 12 feet of frontage on 10th Street (half of the proposed 24-foot wide driveway). 100 cubic yards of grading is proposed as part of future development. No construction is proposed as part of this application, although proposed driveways and building footprints are shown on the map for reference and easement purposes.

Subdivision of the property into three lots is proposed as follows:

Parcel 1 will have 60 feet of frontage on East 10th Street. It will be 84 feet deep and would have a net size of 5,016 square feet. In order to meet the minimum lot size of 5,000 square feet, the engineer has shown a 22.8 by 8.3-foot "general utility easement" on the north side of the proposed parcel. Practically-speaking, this will end up being used by Parcel 3 as part of their lot area.

Parcel 2 would have approximately 53 feet of frontage on East 10th Street and would have a net size of 5,029 square feet. The westerly 12 feet would incorporate the easterly half of the proposed driveway leading to parking for Parcels 2 and 3.

In order to meet the minimum lot size of 5,000 square feet, the engineer has shown the area of street behind the retaining wall (roughly 380 square feet) as being vacated, although no street vacation process has been initiated or approved at this point. Without the vacation, the proposed building envelope for this lot **would not** meet the **required** 20-foot front yard setback. However, this can be addressed at building permit submittal.

Parcel 3 will have 12 feet of frontage on East 10th Street and would include the existing residence. It will be an average of 157 feet deep and would have a net size of 9,312 square feet. Due to the driveway access and specific parking areas for each lot, Parcel 3 is irregular in shape. The shape is intended to keep enough land around the existing house in order to provide minimum setbacks and minimum lot sizes for the two new lots. No changes are proposed to the existing home.

The applicant is not proposing any development at this time, although easements would be created that would necessitate specific development in the future, as shown by the proposed building envelopes. 100 cubic yards of cut and fill is proposed with regard to grading of the site. This would mostly be in order to provide the main driveway to Parcels 2 and 3.

Analysis

General Plan

This project contributes to infill development, which is encouraged by General Plan, as well as provides two additional home ownership opportunities. If the future homes are constructed, the resulting density of 6.7 units per acre would also be consistent with the General Plan density for the Low-Medium Density Residential land use designation (RS-1 and RS-2), which specifies a maximum density of 9.0 units per acre.

Subdivision Ordinance

The proposed subdivision is inconsistent with the Subdivision Ordinance as it creates a development pattern that is not consistent with nearby properties. All properties on the north side of 10th Street on this block are regular in shape. The proposed lot pattern in this case is highly irregular due to the existing house being preserved. The Subdivision Ordinance also requires that proposed lot lines are at 90 degrees to the street where practicable. This has not been done in this case, although it can be argued that this is not practicable due to the restrictions as already noted. However, the average proposed lot sizes are consistent with area properties, which are approximately 5,000 square feet in size; the average of the three proposed lots is almost 6,450 square feet.

Due to the size and placement of the existing house, the proposed lots have been designed in an irregular manner. Although the existing lot is almost four times the minimum lot size of 5,000 square feet, the existing home makes it impractical to cut the

lot in a uniform manner. Without removing or severely modifying the existing residence, creating two lots instead of three may be more appropriate. This would allow for regular shaped lots and ample room for parking and setbacks as required by the Code. However, the applicant has stated that two lots would not be economically feasible and requiring two rather than three would halt the project.

The proposal will need an exception for less than required street frontage for parcel 3; the actual frontage will be 12 feet where 50 feet is required. This is normal where a large lot is subdivided, in that the rear portion of the lot requires access.

Land Use Code

The Land Use Code establishes a maximum density of 8.7 units per acre in the RS-2 Zone. The density of properties in the same block as the proposed site and on same side of the street is approximately 8.7 units per acre, consistent with Land Use Code requirements. The proposed future density of 6.7 units per acre would be also consistent with this density.

Significant grading would be needed as part of the proposal. Plans show a 24-foot section of retaining wall being removed from the front of the property. This would allow a 24-foot wide driveway to be constructed. However, because of the topography in the area, the driveway would have a 20% slope (six feet in rise over 33 feet in length). Anything over 12% requires special construction techniques (concrete instead of asphalt) and also requires a flat area at the base of the driveway prior to entering the street, which is not provided in this case. In addition, Fire Department access roads must be no steeper than 15%, although this is technically only needed for new homes, not the existing house. Both new residences would be closer than 150 feet to the street, thus the road is not technically needed.

Due to the constricted nature of the lot, it again might be more appropriate to split the lot into two rather than three. Although in cases of topography, a variance or exception may be appropriate, the existing driveway at the west end of the lot is currently sufficient and would suffice for two new lots. It may also be sufficient for three lots in the case of complete redevelopment of the site. However, that would necessitate demolition of the existing home. Asking for relief due to a self-inflicted situation (placement of the residence in this case) is not grounds for granting an exception or variance.

Another option would be to continue to utilize the existing driveway and to redesign the three-lot configuration using access easements rather than have irregular lot shapes. This would allow a more uniform lot design and would minimize the need for grading and new retaining walls.

The proposed design is not ideal and does not meet the intent of the Land Use Code. This is primarily due to the need for the "general utility easement" (Parcel 1) and street vacation (Parcel 2) required to meet minimum lot sizes. Although the roughly 380 square-foot portion of street behind the retaining wall is not being used and is a good

candidate for abandonment, it should not be relied upon to provide the minimum lot area.

Department Comments

Comments were received from the Building and Fire Departments and have been included as Conditions of Approval. Building is requiring code compliance. The Fire Department is also requiring code compliance, including specific requirements for a Fire Department access road for future homes. Although the rear of the existing residence is greater than 150 feet from the street and would normally require the access road, such a road is not required given the existing nature of the structure. Future homes would be within 150 feet of the road, so the road is not technically needed. That being said, existing Fire Department access to the rear house would be removed in the case of new construction, although it is unclear if the existing driveway meets fire access requirements. Standard conditions related to Final Map requirements have also been included as conditions.

Summary

The subject property is a large lot, which is almost four times the minimum lot size. As such, it is suitable for subdividing. However, the placement of the existing home and a large retaining wall at the street limits opportunities for subdivision. Although there are topographical issues on the property, the placement of the existing home is considered self-inflicted and is thus not a consideration for an exception or variance from code requirements. The project as proposed, with an irregular lot configuration and reliant on a future street vacation, will technically meet the code with regard to minimum lot size. However, the proposal would result in a crowded development that would not be consistent with area development. Therefore, staff is suggesting that the proposal be reduced to two new lots rather than three.

If approved, the proposed subdivision will result in additional home ownership opportunities, and will generally meet all Land Use Code requirements, consistent with the General Plan. Conditions of Approval will ensure that the property is appropriately developed and will meet all requirements of the Land Use Code and pertinent construction codes.

RECOMMENDATION

1. Continue the public hearing to a specific date so that the project can be redesigned; or
2. Approve 2014-17 LS subject to the conditions listed below, based on attached findings/ findings to be determined by the Planning Commission; or
3. Deny 2014-17 LS based on attached findings/ findings to be determined by the Planning Commission.

ATTACHMENTS

1. Recommended Findings for Denial/Approval
2. Recommended Conditions
3. Location Map
4. Notice of Exemption
5. Public Hearing Notice (Sent to 35 property owners)
6. Site photos
7. Applicant's Plans (Exhibit A, case file no. 2014-17 LS, dated 11/5/2014)



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director

RECOMMENDED FINDINGS FOR DENIAL
OF THE TENTATIVE PARCEL MAP
Case File No. 2014-17 LS – 1745 East 10th Street

1. The site is not physically suitable for the proposed type of development, since the size and placement of the existing house requires the proposed lots to be designed in an irregular manner.
2. The site is not physically suitable for the proposed density of development, since two of the proposed lots cannot meet the minimum lot size requirement without creating atypical lot shapes and vacating a portion of the street.

RECOMMENDED FINDINGS FOR APPROVAL
OF THE TENTATIVE PARCEL MAP
Case File No. 2014-17 LS – 1745 East 10th Street

1. The proposed map is consistent with the National City General Plan and applicable specific plans, since the proposed single-family subdivision, at a density of 7.9 units per acre, is consistent with the Low-Medium Density Residential land use designation, which specifies a maximum density of 9.0 units per acre the uses, and since there are no specific plans applicable to the site.
1. The site is physically suitable for the proposed type of development, since two an additional single-family homes can be located on a level building pad on the site with a minor amount of grading.
2. The site is physically suitable for the proposed density of development, since all three resultant lots can accommodate a single family residence with suitable yard areas.
3. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, since no natural habitat nor bodies of water are present on-site, and since the site is surrounded by urban development.
4. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems, since all necessary public services will be provided.
5. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, since no such easements are located on the site.
6. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6.
7. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources.
8. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage.

**RECOMMENDED FINDINGS FOR APPROVAL OF THE EXCEPTION
FOR LESS THAN REQUIRED STREET FRONTAGE
Case File No. 2014-17 LS – 1745 East 10th Street**

1. The property to be divided is of such size and shape that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements, since most of the deep (150-plus feet) property is isolated from public streets and existing development limits the areas in which lot lines can be placed.
2. The exception will not be detrimental to the public health, safety, or welfare, or be detrimental to the use of other properties in the vicinity, since adequate access to the street (a minimum of 24 feet in width) will be provided for all three lots, and since the General Plan encourages the creation of home ownership opportunities, which the requested exception facilitates.
3. Granting of the exception is in accordance with the intent and purposes of this title, and is consistent with the General Plan and with all applicable specific plans or other plans of the City, since the proposal will create two additional homeownership opportunities, and since there are no applicable specific plans.

RECOMMENDED CONDITIONS OF APPROVAL
Case File No. 2014-17 LS – 1745 East 10th Street

General

1. This *Tentative Parcel Map* authorizes the creation of three new parcels from one existing parcel. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform with Exhibit A, case file no. 2014-17 LS, dated 11/5/2014. No construction or demolition is approved as part of this approval.
2. Before this *Tentative Parcel Map* shall become effective, the applicant and/or property owner shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Tentative Parcel Map*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Tentative Parcel Map* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. Approval of the tentative map expires two (2) years after adoption of the resolution of approval at 6:00 p.m. unless prior to that date a request for a time extension not exceeding three (3) years has been filed as provided by National City Municipal Code §17.04.070.

Building

4. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical.

Engineering

5. A Final Map shall be filed and recorded in accordance with City requirements. The map shall show all existing and proposed easements.

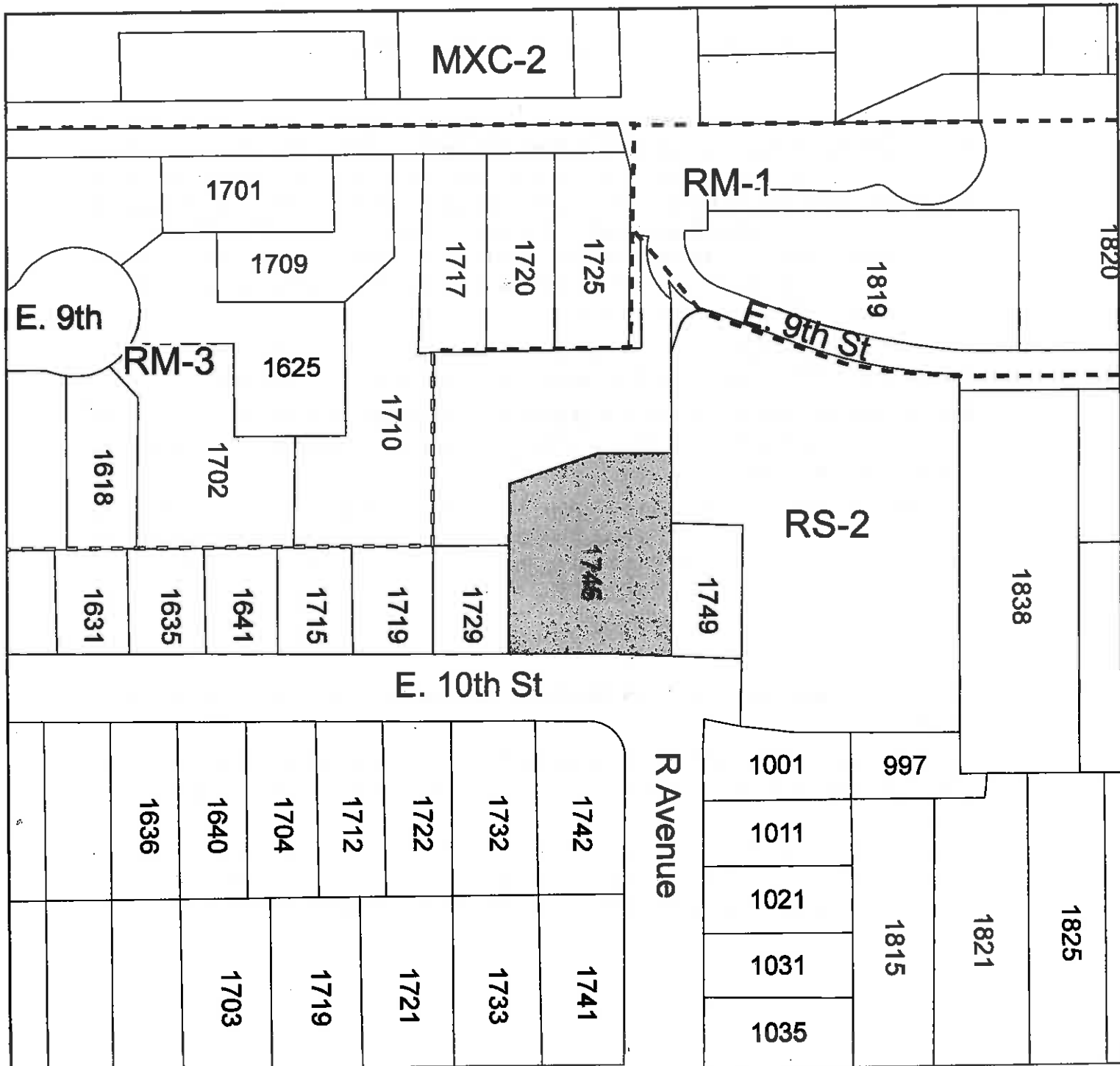
Fire

6. Plans submitted for improvements must comply with the 2013 editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations.
7. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. This comment shall apply to new residential structures.

8. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all weathered road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. A 28 foot turning radius is required for fire department access through site. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
9. Should any plan corrections be required, contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.
10. All contractors shall possess a National City New Business License prior to Fire Department plan submittal. A copy of the New Business License will be required at time of plan submittal.
11. If entrance/exit gates are used, gates shall be equipped with Knox Box and Emergency Strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at front of property. Please contact the National City Fire Department for exact field location.

Planning

12. All future construction must meet setback requirements as stated in the Land Use Code.
13. No construction is permitted on proposed Parcel 2 unless a Street Vacation request has been approved that results in a minimum 5,000 square feet of lot area for said Parcel 2.
14. If the approximate 380 square-foot portion of East 10th Street located behind the retaining wall at the front of the subject property is vacated, an easement for access and maintenance of the existing power pole and street light shall be granted.



Subject Parcel



Zone Boundary



0 75 150 300 Feet

APN:
557-190-34

Planning Commission
Location Map

2014-17 LS



NOTICE OF EXEMPTION

TO: County Clerk
County of San Diego
P.O. Box 1750
1600 Pacific Highway, Room 260
San Diego, CA 92112

Project Title: 2013-17 LS

Project Location: 1745 East 10th Street, National City, CA 91950

Contact Person: Martin Reeder

Telephone Number: (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Tentative Parcel Map to subdivide an existing 19,357 square-foot lot into three lots. There is an existing single-family home that will remain. No construction is proposed as part of this project.

Applicant:

Alex Ahmadian
3425 Del Mar Heights Road
San Diego, CA 92130

Telephone Number:

(858) 736-6218

Exempt Status:

☒ **Categorical Exemption – Section 15315 (Minor Land Divisions)**

Reasons why project is exempt:

It can be seen with certainty that the project will not have a significant effect on the environment. The project is a minor land division within the city limits of National City, an urbanized area. The 19,357 square-foot property has been disturbed previously and has no value as habitat. The division fulfills the General Plan's intent for this land use designation with regard to residential density and infill of vacant or underutilized properties.

Date:

MARTIN REEDER, AICP
Principal Planner



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF PUBLIC HEARING

TENTATIVE PARCEL MAP FOR THE SUBDIVISION OF
ONE LOT INTO THREE AT 1745 EAST 10TH STREET
WITH AN EXCEPTION FOR REDUCED LOT FRONTAGE.
CASE FILE NO.: 2014-17 LS
APN: 557-190-34

The National City Planning Commission will hold a public hearing after the hour of 6:00 p.m. **Monday, December 1, 2014**, in the City Council Chambers, Civic Center, 1243 National City Boulevard, National City, California, on the proposed request. (Applicant: Alex Ahmadian)

The property is a 19,357 square-foot lot near the corner of East 10th Street and "R" Avenue. Access to the proposed lots will be from 10th Street. An exception is being requested for reduced street frontage for Parcel 3, which would have 12 feet of frontage on 10th Street where 50 feet is required.

Plans are available for review at the City's Planning Department, Civic Center. Members of the public are invited to comment. Written comments should be received by the Planning Division on or before 12:00 p.m., **December 1, 2014**, who can be contacted at 619-336-4310 or planning@nationalcityca.gov

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

NATIONAL CITY PLANNING DEPARTMENT

BRAD RAULSTON
Executive Director

Site Photos – 1745 E. 10th St. – 2014-17 LS



Driveway from E. 10th Street looking northeast



Existing home looking north

8

RESOLUTION 28-2014

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA,
APPROVING A TENTATIVE PARCEL MAP FOR THE SUBDIVISION
OF ONE LOT INTO THREE AT 1745 EAST 10TH STREET
WITH AN EXCEPTION FOR REDUCED LOT FRONTAGE.
APPLICANT: ALEX AHMADIAN
CASE FILE NO. 2014-17 LS**

WHEREAS, application was made for approval of a Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage on property generally described as:

Parcel "A" in the City of National City, County of San Diego, State of California, as shown on a parcel map file at page 1809 of parcel maps in the office of the County Recorder of said County and that portion of parcel "B" according to parcel map no. 1809 filed in the office of the County Recorder of San Diego County, California as file No. 73-222163 dated August 9, 1973.

WHEREAS, the Planning Commission of the City of National City considered a Tentative Parcel Map for the subdivision of one lot into three at 1745 East 10th Street with an exception for reduced lot frontage at duly advertised public hearings held on December 1 and 15, 2014, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2014-17 LS, which is maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the Planning Commission has analyzed the project pursuant to the California Environmental Quality Act (CEQA), and determined that the activity in question is exempt from CEQA under 14 Cal. Code Regs. Section 15315 (Minor Land Divisions); and

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearings held on December 1 and 15, 2014, support the following findings:

**FINDINGS FOR APPROVAL
OF THE TENTATIVE PARCEL MAP**

1. The proposed map is consistent with the National City General Plan and applicable specific plans, since the proposed single-family subdivision, at a density of 7.9 units per acre, is consistent with the Low-Medium Density Residential land use designation, which specifies a maximum density of 9.0 units per acre the uses, and since there are no specific plans applicable to the site.
2. The site is physically suitable for the proposed type of development, since two an additional single-family homes can be located on a level building pad on the site with a minor amount of grading.
3. The site is physically suitable for the proposed density of development, since all three resultant lots can accommodate a single family residence with suitable yard areas.
4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, since no natural habitat nor bodies of water are present on-site, and since the site is surrounded by urban development.
5. The design of the subdivision and the proposed/required improvements are not likely to cause serious public health problems, since all necessary public services will be provided.
6. The design of the subdivision and the proposed/required improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision, since no such easements are located on the site.
7. The discharge of sewerage waste from the subdivision into the City of National City sewer system will not result in violation of existing requirements prescribed by the California Regional Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code, as specified by Government Code Section 66474.6.
8. The subdivision has been considered by the Planning Commission with regard to its effect on the housing needs of the region, and these needs are balanced by the public service needs of the residents and available fiscal and environmental resources.
9. The design of the subdivision provides, to the extent feasible, for future passive and natural heating and cooling opportunities in the subdivision, based on consideration of local climate, topography, property configuration and other design and improvement requirements without requiring reduction in allowable density or lot coverage.

**FINDINGS FOR APPROVAL OF THE EXCEPTION
FOR LESS THAN REQUIRED STREET FRONTAGE**

1. The property to be divided is of such size and shape that it is impossible or impracticable in the particular case to conform fully to the subdivision requirements, since most of the deep (70-plus feet) property is isolated from public streets and existing development limits the areas in which lot lines can be placed.
2. The exception will not be detrimental to the public health, safety, or welfare, or be detrimental to the use of other properties in the vicinity, since adequate access to the street (a minimum of 20 feet in width) will be provided for all three lots, and since the General Plan encourages the creation of home ownership opportunities, which the requested exception facilitates.
3. Granting of the exception is in accordance with the intent and purposes of this title, and is consistent with the General Plan and with all applicable specific plans or other plans of the City, since the proposal will create two additional homeownership opportunities, and since there are no applicable specific plans.

BE IT FURTHER RESOLVED that the application for the Tentative Parcel Map is approved subject to the following conditions:

General

1. This *Tentative Parcel Map* authorizes the creation of three new parcels from one existing parcel. Except as required by Conditions of Approval, all plans submitted for permits associated with the project shall conform with Exhibit B, case file no. 2014-17 LS, dated 12/8/2014.
2. Before this *Tentative Parcel Map* shall become effective, the applicant and/or property owner shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the *Tentative Parcel Map*. The applicant shall also submit evidence to the satisfaction of the Executive Director that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Tentative Parcel Map* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.
3. Approval of the tentative map expires two (2) years after adoption of the resolution of approval at 6:00 p.m. unless prior to that date a request for a time extension not exceeding three (3) years has been filed as provided by National City Municipal Code §17.04.070.

Building

4. Plans submitted for improvements must comply with the 2013 edition of the California Building, Electrical, Plumbing, and Mechanical.

Engineering

5. A Final Map shall be filed and recorded in accordance with City requirements. The map shall show all existing and proposed easements.

Fire

6. Plans submitted for improvements must comply with the 2013 editions of the California Fire Code (CFC) and National Fire Protection Association (NFPA), and the current edition of the California Code of Regulations.

Planning

7. All future construction must meet setback requirements as stated in the Land Use Code.
8. If the approximate 380 square-foot portion of East 10th Street located behind the retaining wall at the front of the subject property is vacated, an easement for access and maintenance of the existing power pole and street light shall be granted.
9. If existing structures are located on or over proposed lot lines, or if existing structures would no longer meet required setbacks based on proposed lot lines, the Final Map shall not be approved until said structures are demolished or reduced to remedy these situations. No accessory structures shall be permitted on lots without a primary use.
10. If the approximate 380 square-foot portion of East 10th Street located behind the retaining wall at the front of the subject property is vacated, an easement for access and maintenance of the existing power pole and street light shall be granted.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant.

BE IT FURTHER RESOLVED that this resolution shall become effective and final upon adoption, unless appealed pursuant to Section 17.04.050 of the Subdivision Ordinance of the City of National City

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of December 15, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

CHAIRPERSON



Item no. **5**
December 15, 2014

CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: TIME EXTENSION OF A CONDITIONAL USE PERMIT FOR A PROFESSIONAL COLLEGE IN A RETAIL COMMERCIAL BUILDING LOCATED AT MARINA GATEWAY PLAZA.

Case File No.: 2014-23 TE – 2013-07 PD, CUP, CDP

Location: 700 Bay Marina Drive

Assessor's Parcel No.: 559-160-33

Staff Report By: Martin Reeder, AICP – Principal Planner

Applicant /Owner: Marina Gateway Development Co. LLC

Combined General Plan/
Zoning Designation: CT-PD-CZ (Tourist Commercial)

Adjacent Land Use/Zoning:

North: Vacant land and industrial buildings across Bay Marina Drive / MM-CZ

East: Interstate 5 / OS-CZ

South: Paradise Marsh / OSR-CZ

West: Industrial use across Marina Way / MM-CZ

Environmental Review: Not subject to CEQA

Staff recommendation: Extend permit for another 12 months

BACKGROUND

Site Characteristics

The project site is the Marina Gateway Plaza on the south side of Bay Marina Drive and west of Interstate 5. The complex is comprised of a Best Western Hotel, Goodies Bar & Grill, and a roughly 14,300 square-foot (leasable) two-story office/commercial building. The subject use is proposed within 11,900 square feet of the office/commercial building. The property is located within the Coastal Zone.

The most recent Land Use Code Update is not yet applicable in the Coastal Zone. This is due to the fact that the necessary amendments to the City's Local Coastal Plan have not been submitted to the Coastal Commission. Therefore, the City's previous zoning applies. Accordingly, this property falls within the CT-PD-CZ (Tourist Commercial) zone. In addition, the parcel is within Sub-Area A of the Harbor District Specific Plan, which also determines allowable uses.

History

The development was approved in 2005 with a Planned Development Permit and Coastal Development Permit. As part of the original approval, there was a Condition of Approval that prohibited anything but retail/travel offices on the ground floor of the building. The subject permit condition was put on the project specifically to ensure that a minimum amount of tourist-related high priority uses are provided and preserved.

The applicant submitted a Planned Development Permit (PD) modification request in 2013 for the omission of the condition limiting uses in conjunction with a Conditional Use Permit (CUP) for a professional college. A Coastal Development Permit (CDP) was also part of the application. Planning Commission approved the request in May of 2013. However, the Coastal Development Permit was appealed by the California Coastal Commission and went through a subsequent hearing at the state level. The permit request to remove the condition was ultimately approved by the Coastal Commission on December 12, 2013, which became the new effective date of the PD, CUP, and CDP.

Request

Per conditions of approval, the PD and CDP are in effect for 10 years. However, the CUP would otherwise expire if not exercised within 12 months of its approval. Since the project was approved, the applicant has been working with Concorde College on moving to the site. However, the college pulled out of negotiations in July of 2014 due to a halt in campus expansions into San Diego County. In order to keep the permit alive, the applicant is requesting to extend the CUP for an additional 12 months.

Analysis

Because the previous version of the Land Use Code is still effect for this area, Chapter 18.116 would apply. Specifically, Chapter 18.116.190 allows for the granting body (Planning Commission in this case) to grant an extension of the permit for a period not to exceed one year. Additional extensions may be granted subject to a public hearing.

Summary

The use of the property as a professional college was approved by both the City and the Coastal Commission. The original tenant has pulled out of the area at no fault of the applicant, who wishes to keep the permit alive in order to recruit another potential professional college to the site. Although the Planned Development and Coastal Development Permits for removal of the original condition limiting the type of uses allowed are good for ten years, the Conditional Use Permit only has a life of one year. Given that the applicant is still looking for potential tenants, it would be appropriate to grant a 12-month extension of the CUP.

OPTIONS

1. Extend the expiration date of 2013-07 PD, CUP, CDP by one year to December 12, 2015; or
2. File the request.

ATTACHMENTS

1. Applicant's time extension request letter
2. Planning Commission Resolution 12-2013
3. Location Map



MARTIN REEDER, AICP
Principal Planner



BRAD RAULSTON
Executive Director



November 24, 2014

Mr. Martin Reeder, AICP – Principal Planner
City of National City, Planning Department
1243 National City Blvd
National City, CA 91950

Ref. Conditional Use Permit Extension
Marina Gateway Development Company, LLC

Dear Mr. Reeder,

As we discussed early, our lease with Concorde College was terminated back in July 2014 due to their decision to no longer expand campuses into San Diego at this time. Marina Gateway Development is diligently pursuing a replacement tenant and would like to extend the Conditional Use Permit approved by National City and California Coastal Commission on December 12, 2013.

Accordingly, please find attached our check for \$1,247.50, fee to extend for one additional year. Your continued support of MGDC and this property has been appreciated.

Sincerely,

Glenn Quiroga, Executive Vice President
Sycuan Tribal Development Corporation

RESOLUTION NO. 12-2013

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
PLANNED DEVELOPMENT PERMIT MODIFICATION,
CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT
FOR A PROFESSIONAL COLLEGE IN A RETAIL COMMERCIAL BUILDING
LOCATED AT 700 BAY MARINA DRIVE.
CASE FILE NO. 2013-07 PD, CUP, CDP
APN: 559-180-33**

WHEREAS, the Planning Commission of the City of National City considered a Planned Development Permit modification, Conditional Use Permit, and Coastal Development Permit for a professional college in a retail commercial building located at 700 Bay Marina Drive at a duly advertised public hearing held on May 20, 2013, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2013-07 PD, CUP, CDP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on May 20, 2013, support the following findings:

- 1. That the site for the proposed use is adequate in size and shape, since the proposed use will be within an existing building and since no expansion of the building is proposed.**
- 2. That the site has sufficient access to Bay Marina Drive, an arterial street operating at a Level of Service (LOS) of A, and Interstate 5, a freeway, to accommodate the additional 300 average daily trips (ADT), and since no building expansion is proposed.**
- 3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, since the use is contained wholly within an existing building.**
- 4. That the proposed use is deemed essential and desirable to the public convenience, since it will provide a service in need in the area among members of the community seeking to gain additional education.**
- 5. That the granting of this Planned Development Permit modification, Conditional Use Permit, and Coastal Development Permit is consistent with and implements the Certified Local Coastal Program, since the project has the potential to result in opportunities for tourist-related ancillary activities that are related to a tourism-related use, does not involve any land alterations, and provides for a use on an existing commercially-zoned parcel in an area designated by the Local Coastal Program and the General Plan for such use.**

BE IT FURTHER RESOLVED that the application for Conditional Use Permit is approved subject to the following conditions:

General

1. This Planned Development Permit modification, Conditional Use Permit, and Coastal Development Permit authorizes the temporary removal of Condition No. 55 of Planning Commission Resolution 24-2005, and a professional college at 700 Bay Marina Drive. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, case file no. 2013-07 PD, CUP, CDP, dated 3/7/2013. Condition of Approval No. 55 shall be reinstated at the expiration of this permit as stated in Condition No. 14.
2. Unless specifically modified by this resolution, all previous Conditions of Approval as stated in Planning Commission Resolution 24-2005 are still in effect.
3. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the County Clerk and submitted to the National City Planning Department.
4. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Land Use Code.
5. Before this Planned Development Permit modification, Conditional Use Permit, and Coastal Development Permit shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of these permits. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate said permits. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Planned Development Permit modification, Conditional Use Permit, and Coastal Development Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the Executive Director prior to recordation.

Building

6. Plans submitted for improvements must comply with the current editions of the California Building Code, the California Mechanical Code, the California Plumbing Code, the California Electrical Code, and California Title 24 energy and handicapped regulations.

Fire

7. Plans submitted for improvements must comply with the current editions of the 2010 edition of NFPA and 2010 edition of the CFC.
8. Occupancy load calculations shall be provided by the National City Building Division to ensure the project meets code.
9. If occupancy load is 50 or greater, panic hardware and illuminated green exits signs with emergency lights will be required.

10. Exit doors required for intended use of business shall be evaluated by the Building Department for adequate exiting and ADA requirements.
11. Fire extinguishers shall be placed inside building to meet California Fire Code requirements. Please call for direction on placement.
12. Fire sprinkler and fire alarm plans shall be directly submitted to the National City Fire Department. Permits and fees shall apply.
13. 48 hours' notice is required prior to required fire inspection.

Planning

14. Approval of this Conditional use Permit expires ten (10) years after adoption of the resolution of approval at 6:00 p.m. (per applicant's request).
15. The number of students shall be limited to no more than 50 per session (e.g., morning, afternoon, evening).
16. The Owner/Developer shall defend, indemnify, protect, and hold harmless the City, and any of its' agencies, departments, officers, officials, employees, or agents, from any and all claims, actions, suits, proceedings, liabilities, or judgments against the City or any of its' agencies, departments, officers, officials, employees, or agents, to attack, set aside, void, or annul, any approval of the City, or its' agencies, departments, advisory agencies, appeal board, or legislative body, concerning the project and the approvals and entitlements granted herein.
17. Any expansion of the use approved by this permit beyond the area shown in approved plans shall require modification of this Conditional Use Permit.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of May 20, 2013, by the following vote:

AYES: DeLaPaz, Bush, Alvarado, Flores, Baca, Pruitt, Garcia

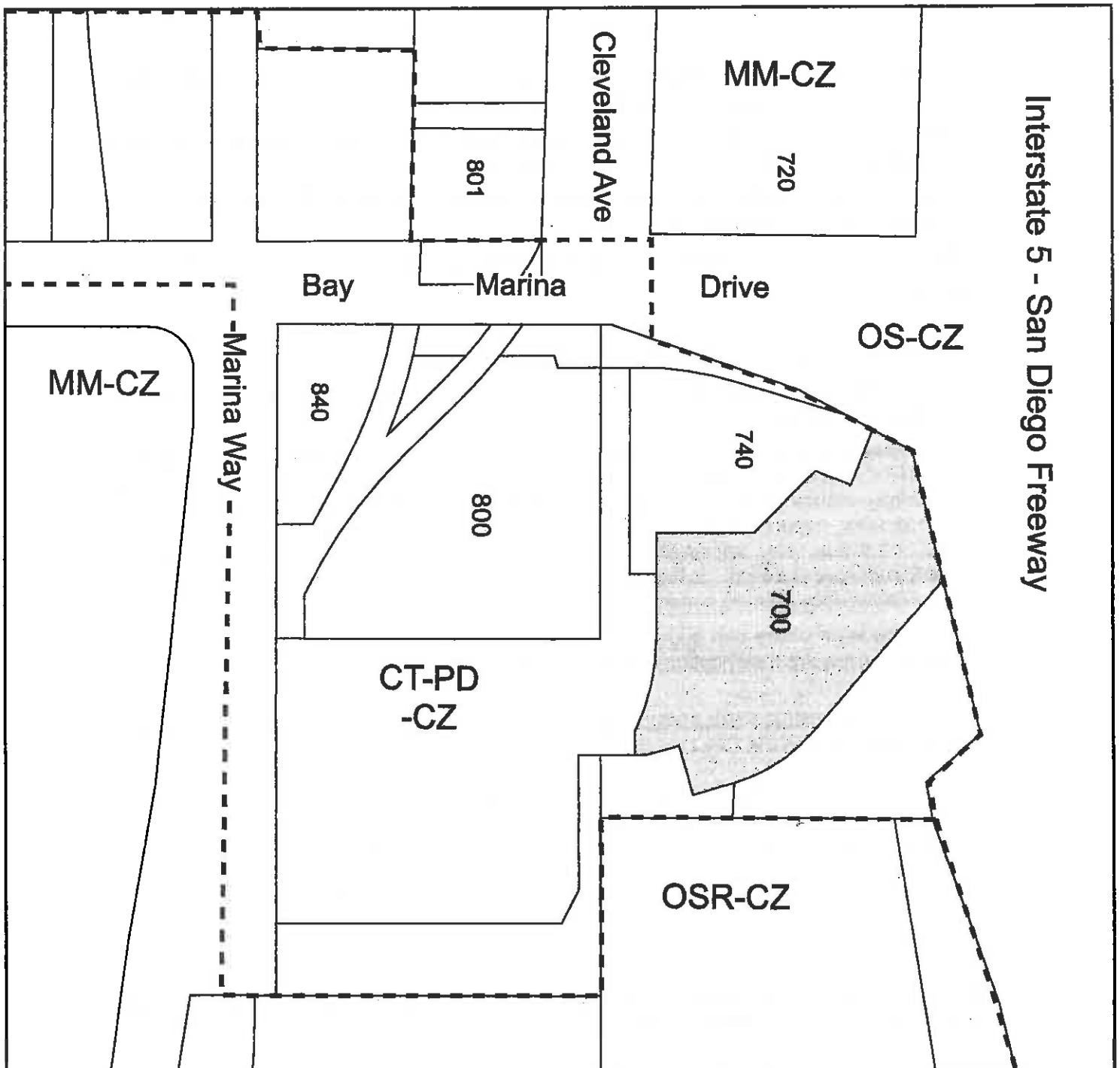
NAYS:

ABSENT:

ABSTAIN:



CHAIRPERSON



Subject Parcel



Zone Boundary



0 75 150 300 Feet

APN:
559-160-33

Planning Commission Location Map

2013-07
PD, CUP, CDP



Item no. **6**
December 15, 2014

CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

PLANNING COMMISSION STAFF REPORT

Title: ELECTION OF OFFICERS FOR 2015

This is the appropriate meeting to elect new Planning Commission officers for the year 2015, to succeed Chairperson Pruitt, and Vice-Chairperson Bush. It is suggested that nominations and elections occur as in previous years.

